

HOUSTON DIVISION

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Plaintiff, §

§

vs. §

C. A. No. H- _____

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§

Defendants. §

JOINT PRETRIAL ORDER

Appearance of Counsel

List each party, its counsel, and counsel's address and telephone number in separate paragraphs.

Statement of the Case

Give a brief statement of the case for the information of the Court and/or which the Court may read to the jury panel to see if the panel is acquainted with the facts of or parties to the case. Include names, dates and places.

Jurisdiction

Briefly set out why the Court has full and complete jurisdiction of the subject matter and the parties. If there is an unresolved jurisdictional question, state the problem.

Motion

Identify any pending motions.

Contentions of the Parties

State concisely in separate paragraphs what each party claims.

Admissions of Fact

List all facts which have been stipulated and admitted and require no proof.

Contested Issues of Fact

List all factual issues in controversy necessary to the final disposition of this case.

Agreed Applicable Propositions of Law

Delineate the legal propositions not in dispute.

Contested Propositions of Law

State briefly the issues of law in dispute. A memorandum of authorities should be filed which addresses these issues.

Exhibits

Each counsel will attach to this joint pretrial order two copies of a list (in the form shown by Attachment A or a similar form) of all exhibits to be offered and will make all such exhibits available for examination by opposing counsel. This rule does not apply to rebuttal exhibits which cannot be anticipated.

Any counsel requiring authentication of an exhibit must so notify the offering counsel in writing within five business days after the exhibit is made available to opposing counsel for examination. Failure to do so is an admission of authenticity.

The Court will admit all exhibits listed in the final pretrial order into evidence unless opposing counsel files written objections with authorities at least three business days before trial.

The offering party will mark his own exhibits prior to trial and include the party's name, case number, and exhibit number on each exhibit to be offered.

Witnesses

List the names and addresses of witnesses who will or may be called and include a brief statement of the subject matter and substance of their testimony. If a witness is to appear by deposition, cite the inclusive pages and lines to be read. Objections to those portions (citing pages and lines) with supporting authority must be filed at least three business days before trial.

Each counsel will also attach to the joint pretrial order two copies of a list of witnesses' names only for use by Court personnel.

Include in this section the following:

In the event there are any other witnesses to be called at the trial, their names, addresses, and subject matter of their testimony will be reported to opposing counsel as soon as they are known. This restriction shall not apply to rebuttal or impeachment witnesses, the necessity of whose testimony cannot reasonably be anticipated before the time of trial.

Settlement

Include a statement that all settlement efforts have been exhausted, the current settlement demand and offer, and whether the case can reasonably be expected to settle.

Trial

Include in this paragraph the following:

- a. Whether the trial will be Jury or Non-Jury;
- b. Probable length of trial; and
- c. Availability of witnesses.

Additional Required Attachments

For Jury Trials include the following IN DUPLICATE:

- a. Proposed jury instructions, definitions, and interrogatories. Each requested instruction, definition, and interrogatory must be numbered and presented on a separate sheet of paper with the citation and authority upon which counsel rely.
- b. Memorandum of Law.

For a Nonjury trial:

- a. Proposed Findings of Fact.
- b. Proposed Conclusions of Law.
- c. Memorandum of Law.

Date

EWING WERLEIN, JR.
United States District Judge

APPROVAL REQUESTED:

Counsel for the Plaintiff(s)

Counsel for the Defendant(s)